

By Mr. NYE: Petition of sundry citizens of Minneapolis, Minn., favoring passage of legislation for the establishment of a counsel of national defense; to the committee on Naval Affairs.

By Mr. O'SHAUNESSY: Petition of the Audubon Society of Rhode Island favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. SCULLY: Petition of the Richmond Chamber of Commerce, Richmond, Va., favoring the passage of legislation for a reform in the present banking system of the United States; to the Committee on Banking and Currency.

Also, petition of the National Association of Shellfish Commissioners, Boston, Mass., favoring the passage of legislation making appropriations for investigations for the improvement of the oyster industry; to the Committee on the Merchant Marine and Fisheries.

By Mr. SPARKMAN: Petition of citizens of the first district of Florida favoring the passage of the Jones-Works bill to limit the number of saloons in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TAYLOR of Ohio: Petition of sundry citizens of Columbus, Ohio, favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. UNDERHILL: Petition of the Chamber of Commerce of the United States, favoring the passage of the Page agricultural and industrial education bill (S. 3) for Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the Poughkeepsie Chamber of Commerce, Poughkeepsie, N. Y., favoring the passage of pending legislation granting a Federal charter to the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

Also, petition of the legislative committee of the Philadelphia Coal Exchange, favoring the passage of legislation for the repeal of the mercantile tax bill; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of the Navy League of the United States, Washington, D. C., favoring the passage of legislation for reorganizing the personnel of the Navy; to the Committee on Naval Affairs.

SENATE.

TUESDAY, February 4, 1913.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

RELIEF OF INDIANS ON RAILROAD LANDS.

Mr. ASHURST. Mr. President, I ask leave to withdraw as one of the conferees on the part of the Senate upon the disagreeing votes of the two Houses on the bill (S. 5674) for relief of Indians occupying railroad lands.

The PRESIDENT pro tempore. The Senator from Arizona asks to be excused from further service upon the conference committee as stated by him. Without objection, he is excused, and the senior Senator from Missouri [Mr. STONE] will be appointed in his stead.

VENTILATION OF SENATE AND HOUSE CHAMBERS (S. DOC. NO. 1061).

The PRESIDENT pro tempore laid before the Senate a communication from the Superintendent of the United States Capitol Building and Grounds, transmitting certain information relative to the better ventilation of the Senate and House Chambers, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD (H. DOC. NO. 1332).

The PRESIDENT pro tempore laid before the Senate the annual report of the East Washington Heights Traction Railroad for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of Commerce and Labor, recommending the disposal of certain papers on file in the Department of Commerce and Labor which have no permanent value or historical interest.

The communication will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as a committee on the part

of the Senate the Senator from Arkansas [Mr. CLARKE] and the Senator from New Hampshire [Mr. BURNHAM].

The Secretary will notify the House of Representatives of the appointment of the committee on the part of the Senate.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of sundry citizens of Crossville, Ill., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. BRISTOW presented a petition of sundry citizens of Colby, Kans., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. RICHARDSON presented a petition of the congregation of the Groome Memorial Methodist Protestant Church, of Lewes, Del., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. ASHURST presented resolutions adopted by the Chamber of Commerce of Graham County, Ariz., favoring the enactment of legislation providing for the conservation of the flood waters of the San Francisco and Gila Rivers, etc., which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented resolutions adopted by the Trades Council of Phoenix, Ariz., favoring the strict enforcement of legislation providing for the inspection of locomotive boilers and safety appliances for railway equipment, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the congregations of the Seventh-day Adventist Churches of Phoenix, Ariz., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. BOURNE. I present a petition signed by 226 residents of Oregon, praying that the lands now included in the Siuslaw National Forest Reserve be restored to settlement. I ask that the form of the petition, but not the signatures, be printed in the RECORD, and that the petition be referred to the Committee on Public Lands.

The PRESIDENT pro tempore. The Senator from Oregon asks that the form of the petition, without the signatures, be printed in the RECORD, and that the petition in its entirety be referred to the Committee on Public Lands. Without objection, it is so ordered.

The petition is as follows:

STATE OF OREGON, County of Lane.

HON. JONATHAN BOURNE, JR.,
United States Senator from Oregon:

We, the undersigned residents of the Siuslaw National Forest Reserve, hereby petition our honorable Senators and Representatives in Congress to return the Siuslaw National Forest Reserve to settlement, subject to homestead entries and settlement. In support of our claims we do hereby state the following reasons:

1. That a national forest is a detriment to the people who live in its vicinity.
2. That all kinds of natural resources within the national forest are withheld from use.
3. That the national forests are run so as to favor the big man and not to help the home builder.
4. That the homestead is taken away from settlement for ranger stations.
5. That the forestry officers are opposed to the settlers and are anxious to keep the country a wilderness by reporting against all claims whether good or bad.
6. That the forestry officials are eastern theorists who know nothing about the West.
7. That the timber sales are handled in the interest of monopoly for the Lumber Trust.
8. That the forest reserve prohibits settlement and improvement, thereby reducing the amount of taxes for schools and roads, which are greatly needed in the Siuslaw National Forest.

Dated this — day of —, 1912.

Mr. SIMMONS. I present a joint resolution passed by the General Assembly of North Carolina, declaring the views of that body with reference to interstate passenger and freight rates and charges. I ask that the joint resolution be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the joint resolution was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

A joint resolution declaring the views of the General Assembly of North Carolina with reference to interstate passenger and freight rates and charges, and for other purposes.

Resolved by the house of representatives (the senate concurring):

First. That in the view of the General Assembly of North Carolina, Congress should declare illegal, under any and all circumstances, any greater charge by any public-service company for transporting passengers or freights of a given kind and quantity a shorter distance than is charged for transporting the same a longer distance in the same direction when the shorter haul is included in the longer.

Second. That the Senators and Representatives in Congress from this State be, and they are hereby, requested and respectfully urged to support a bill repealing the first and second proviso to section 4 of the interstate-commerce act and to support such other amendments as

may be necessary to make effective the policy declared for in the first resolution above.

Third. That pending the enactment into law by Congress of the principles above declared for it should, in the opinion of the General Assembly of North Carolina, be the policy of the State to press before the Interstate Commerce Commission objections to the injustice of allowing any discrimination against North Carolina points in favor of other points outside of the State to which hauls are longer than to the North Carolina points, and which longer hauls include the hauls to such North Carolina points.

Fourth. That in addition to the powers conferred on the North Carolina Corporation Commission to institute and prosecute cases before the Interstate Commerce Commission for relief to the people of North Carolina for discriminatory and excessive charges by common carriers, power is conferred upon the governor to institute and prosecute such cases, either independently or in conjunction with the North Carolina Corporation Commission in his name on behalf of the people of the State or in the name of any combined association or body of citizens, or in the name of the North Carolina Corporation Commission, and for such purpose the sum of not exceeding \$5,000 a year is appropriated, out of any money in the State treasury not otherwise appropriated, to be paid on the order of the governor.

Fifth. That the secretary of state shall transmit to each of the United States Senators and Members of Congress from this State a copy of these resolutions.

That this resolution shall be in force from and after its ratification. In the general assembly read three times and ratified this 30th day of January, 1913.

E. L. DAUGHTRIDGE,
President of the Senate.
GEO. W. COSMOS,
Speaker of House of Representatives.

STATE OF NORTH CAROLINA,
DEPARTMENT OF STATE,
Raleigh, January 30, 1913.

I, J. Bryan Grimes, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached (three sheets) to be a true copy from the records of this office.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh, this 30th day of January, A. D. 1913.

[SEAL.] J. BRYAN GRIMES,
Secretary of State.

Mr. BURTON presented petitions of the congregation of the Methodist Episcopal Church of Cambridge and of sundry citizens of Sulphur Springs and Buffalo, in the State of Ohio, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. SMITH of Michigan presented memorials of sundry citizens of Ann Arbor and Detroit, in the State of Michigan, remonstrating against the parole of Federal life prisoners, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Barry and Eaton Counties, in the State of Michigan, praying for the enactment of legislation providing for the protection of migratory birds, which was ordered to lie on the table.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Flint, Battle Creek, Reed City, Byron Center, Bunker Hill, Monterey, Omer, Clare, Sandusky, Detroit, Alden, Birmingham, Dimondale, Bancroft, Durand, Glenwood, Sand Lake, Sault Ste. Marie, Olean, Shelby, Iron River, Traverse City, Gaylord, Wilson, Hazelton, Chapin, White Lake, Lapeer, Frankfort, Oia, Mt. Pleasant, Lakeview, Olmwood, L'Anse, Stanton, Whittemore, Coleman, Bushnell, Kent City, Grand Haven, Alpena, Jefferson, St. Louis, Holly, Marion, Elwell, Allendale, Grand Ledge, Kalamazoo, and Homer, all in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. GALLINGER presented the memorial of Clara Sherwood Waters, D. O., of Washington, D. C., remonstrating against the enactment of legislation to regulate the practice of osteopathy in the District of Columbia, which was ordered to lie on the table.

He also presented the petition of Prof. Robert Fletcher, Thayer School of Engineering, Dartmouth College, Hanover, N. H., praying for the enactment of legislation to promote a continuing and consistent program of naval construction, which was referred to the Committee on Naval Affairs.

He also presented the petition of Fred T. Pollard, of Newport, N. H., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. CLAPP presented a petition of the Woman's Christian Temperance Union of Winnebago, Minn., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented a petition of the members of the Minnesota Educational Association, praying for the establishment of a national university at Washington, D. C., which was referred to the Committee on the University of the United States.

Mr. SMITH of Maryland presented a petition of sundry citizens of Laurel and Burtonville, in the State of Maryland, praying that an appropriation be made for the erection of shelters over the Wholesale Produce Market between Tenth,

Twelfth, and B Streets NW., city of Washington, which was referred to the Committee on Appropriations.

He also presented a petition of the Ministerial Union of Baltimore, Md., praying for the enactment of legislation to prohibit the interstate transmission of race gambling bets, which was referred to the Committee on the Judiciary.

Mr. PENROSE presented a memorial of the Coke Producers' Association of the Connellsville coke region, of Pennsylvania, remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. PERKINS presented memorials of the congregations of the Seventh-day Adventist Churches of Arcata, San Bernardino, and Ferndale, all in the State of California, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Grand Lodge of Good Templars of San Francisco, Cal., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Morgan Hill, Cal., praying for the passage of the so-called Kenyon "red-light" injunction bill, which was ordered to lie on the table.

He also presented a petition of the board of directors of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation exempting American coastwise shipping from tolls through the Panama Canal, which was referred to the Committee on Inter-oceanic Canals.

Mr. BROWN presented telegrams, in the nature of petitions, from members of the Medical Society of Douglas County, the Medical Society of Dodge County, and the Medical Society of Lancaster County, all in the State of Nebraska, praying for the establishment of a national department of public health, which were ordered to lie on the table.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Crawford, Nebr., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of members of the Farmers' Educational and Cooperative Unions of Dodge County, Scribner, Hooper, and of Nickerson, all in the State of Nebraska, remonstrating against the adoption of the so-called Aldrich currency plan, which were referred to the Committee on Finance.

Mr. JONES. I present a telegram from Mrs. O. G. Ellis, public health department, State Federation of Women's Clubs of Olympia, Wash., which I ask to have read and lie on the table.

The PRESIDENT pro tempore. The Senator from Washington asks that a telegram which he sends to the desk be read and lie on the table.

The Secretary read as follows:

OLYMPIA, WASH., February 3, 1913.
Senator WESLEY L. JONES,
Senate Chamber, Washington, D. C.:

The National Federation and Washington State Federation of Women's Clubs have studied and then indorsed the Owen bill overwhelmingly. We urge you to vote and work for Owen bill as representing 7,000 Washington women.

MRS. O. G. ELLIS,
Public Health Department,
State Federation of Women's Clubs.

Mr. JONES. I have several other telegrams relating to the same subject. I simply ask that the signatures be noted in the Record and that the telegrams lie on the table.

There being no objection, the telegrams were ordered to lie on the table, as follows:

From W. W. Seymour, mayor; Dr. Edwin W. James, health officer; Arizona B. Wimple, pure-food inspector; Mrs. F. J. Schug, president Council of Women's Clubs; and Dr. C. Stewart Wilson, president Pierce County Medical Society, of Tacoma, Wash.

From the Medical Women's Club, of Seattle, Wash.

From Christen Quevli, president Washington State Antituberculosis League, of Tacoma, Wash.

From Mrs. H. L. Willis, chairman of Civic Committee of State Federation, and president of Civic Improvement Club of Mount Vernon, Wash.

From James R. Yocom, of the Committee on Medical Legislation of Washington State Medical Association, of Tacoma, Wash.

Mr. JONES presented a petition of sundry citizens of Wenatchee, Wash., praying that an investigation be made into the action of the Interior Department in declining to approve a lease granted to the Uncle Sam Oil Co. by the Osage National Council, which was referred to the Committee on Public Lands.

Mr. PAGE presented memorials of sundry citizens of Ferrisburg and Vergennes, in the State of Vermont, remonstrating

against the enactment of legislation providing for the parole of Federal life prisoners, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PERKINS, from the Committee on Appropriations, to which was referred the bill (H. R. 28186) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, reported it with an amendment and submitted a report (No. 1183) thereon.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 4669) for the relief of S. W. Fenton, reported it with amendments and submitted a report (No. 1184) thereon.

Mr. PENROSE, from the Committee on Naval Affairs, to which was referred the bill (S. 7202) fixing the date of reenlistment of Gustav Hertfelder, first-class fireman, United States Navy, reported it without amendment and submitted a report (No. 1185) thereon.

Mr. ROOT, from the Committee on the Library, I report favorably with amendments the bill (S. 8337) to create a legislative drafting bureau and to establish a legislative reference division of the Library of Congress. I ask leave, at a later day, after the hearings which the committee has had upon the subject have been written out and printed, to file a written report to accompany the bill.

The PRESIDENT pro tempore. The bill will be placed on the calendar. Without objection, the Senator from New York will have the permission of the Senate to file a report as requested.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'GORMAN:

A bill (S. 8357) for the relief of Maurice Edgar Rose, late assistant surgeon, United States Navy; to the Committee on Naval Affairs.

By Mr. JOHNSTON of Alabama:

A bill (S. 8358) granting an increase of pension to John A. Shannon (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 8359) to incorporate the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

By Mr. SHIVELY:

A bill (S. 8360) granting an increase of pension to Seth Watson; to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 8361) granting a pension to Mary E. Bennett (with accompanying papers); to the Committee on Pensions.

By Mr. PERKY:

A bill (S. 8362) to authorize reclamation of arid public lands (with accompanying paper); and

A bill (S. 8363) to authorize reclamation of arid ceded trust lands in former Indian reservations (with accompanying paper); to the Committee on Public Lands.

By Mr. BANKHEAD:

A bill (S. 8364) to amend section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911 (with accompanying paper); to the Committee on the Judiciary.

By Mr. RICHARDSON:

A bill (S. 8365) to promote the safety of travelers and employees upon railroads engaged in interstate and foreign commerce.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Judiciary.

Mr. BRANDEGEE. I should like to have the title of the bill read again. As it was read, I thought it should go to the Committee on Interstate Commerce.

The PRESIDENT pro tempore. The Chair glanced at it very hurriedly, and thought it involved legal matters. The Secretary will again read the bill by title.

The Secretary again read the bill by title.

Mr. BRANDEGEE. I am not sure but that most of the bills involving safety appliances have gone to the Committee on Interstate Commerce heretofore.

The PRESIDENT pro tempore. The Chair will change the reference to that committee.

Mr. BURTON. I should like to ask to what committee the bill is to be referred.

The PRESIDENT pro tempore. The Committee on Interstate Commerce.

Mr. BURTON. It pertains to the equipment of railways?

The PRESIDENT pro tempore. The Chair is so informed. The Chair first indicated the Judiciary Committee, thinking it was a bill of a different nature.

By Mr. LEA:

A bill (S. 8366) granting a pension to John H. Gray; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 8367) granting an increase of pension to Alice I. Simpson (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 8368) to amend an act entitled "An act granting an increase of pension to Marie J. Blaisdell," approved May 24, 1900; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 8370) to incorporate the Mothers' Day International Association; to the Committee on the Judiciary.

A bill (S. 8371) granting an honorable discharge to Lawrence Lynch; to the Committee on Naval Affairs.

A bill (S. 8372) granting an honorable discharge to Edgar B. Strang (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 8373) granting an increase of pension to William Raup; and

A bill (S. 8374) granting an increase of pension to Dallas Bumbaugh (with accompanying papers); to the Committee on Pensions.

By Mr. BACON:

A bill (S. 8375) for the restoration of Park Howell, late captain, to the Medical Corps of the Army of the United States (with accompanying papers); to the Committee on Military Affairs.

OLD EXCHANGE BUILDING, CHARLESTON, S. C.

Mr. TILLMAN. I introduce a bill authorizing the Secretary of the Treasury to give to the order of the Daughters of the American Revolution the Old Exchange Building in Charleston, S. C., which I ask may be read twice by its title and referred to the Committee on Public Buildings and Grounds.

The bill (S. 8369) authorizing the Secretary of the Treasury to give to the order of Daughters of the American Revolution the Old Exchange Building, in the city of Charleston, S. C., was read twice by its title.

Mr. TILLMAN. I present petitions of various chapters of the order of the Daughters of the American Revolution, signed by F. Louise Mayes, State regent of South Carolina; Lee C. Harby, chairman of the standing committee on local affairs, Rebecca Motte Chapter, Daughters of the American Revolution, of Charleston, S. C.; James Simons, president of the Society of the Cincinnati of the State of South Carolina; and Jeannie M. Baker, regent for the Sumter's Home Chapter. I ask that the papers be referred to the Committee on Public Buildings and Grounds, to accompany the bill.

The PRESIDENT pro tempore. The bill and accompanying papers will be referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. O'GORMAN submitted an amendment proposing to appropriate \$235,700 for improving the channel in Flushing Bay, Long Island, N. Y., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate \$250,000 for continuing the improvement of the Harlem River Ship Canal, New York, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. LODGE submitted an amendment proposing that books not containing advertising matter or issued for purposes of advertising shall be subject in all respects to the provisions of section 8 of the Post Office act approved August 24, 1912, intended to be proposed by him to the Post Office appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Georgia submitted an amendment proposing to appropriate \$60,000 for the improvement of the Savannah River at Augusta, Ga., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BURTON submitted an amendment proposing to appropriate \$5,000 for the participation of the United States by official delegates at the international conference for the purpose of drawing up international rules and regulations for the as-

signment of load lines to merchant ships, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate \$1,521.88 for payment of judgment rendered in cause No. 68, United States District Court for the Western District of Washington, southern division, rendered February 23, 1912, in favor of Julius Anthon and Marie Anthon, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Maryland submitted an amendment proposing to appropriate \$47,000 for the erection of shelters on the open space at the intersection of Ohio and Louisiana Avenues with Tenth and Twelfth Streets, in the city of Washington, D. C., etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRANDEGEE submitted an amendment providing for securing of increased depths and the removal of obstructions to navigation in Stamford Harbor, Conn., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

INTERSTATE SHIPMENT OF LIQUORS.

Mr. WEBB. I have here a brief which I desire to have printed in the RECORD and as a public document. It was prepared by W. G. M. Thomas, of Chattanooga, Tenn., a lawyer of great legal ability.

Mr. SMOOT. I should like to ask the Senator if it is a brief upon any bill before the Senate?

Mr. WEBB. Yes, sir; and it is a brief prepared by a lawyer of great legal learning.

Mr. SMOOT. Upon what bill?

Mr. WEBB. On the Kenyon-Sheppard temperance bill, which is to come up for final action on the 10th of February.

Mr. SMOOT. Does the Senator want to have it printed in the RECORD and also as a public document?

Mr. WEBB. I make that request, sir. I should like to have it in the RECORD particularly.

Mr. SMOOT. Generally all such requests are for printing in the RECORD.

Mr. WEBB. Very well.

Mr. SMOOT. I will say to the Senator that whenever such matter is printed in the RECORD, of course it can be sent through the mails just the same, and it would answer every purpose.

Mr. WEBB. All right.

Mr. SMOOT. I have no objection to its being printed in the RECORD.

Mr. WEBB. That is satisfactory to me.

The PRESIDENT pro tempore. The Senator from Tennessee limits his request to printing in the RECORD. Without objection, it will be so ordered.

There being no objection, the paper was ordered to lie on the table and to be printed in the RECORD, as follows:

For many years the liquor traffic has sought shelter behind two provisions of the Constitution of the United States whenever it has been assailed by State legislation seeking to regulate, restrain, or prohibit it.

1. The fourteenth amendment, which provides: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law."

2. Article I, section 8, of the Constitution, which provides that the Congress shall have power to regulate commerce among the several States.

These two constitutional provisions the liquor interests have insisted are cities of refuge to which the traffic could flee when assaulted; but years ago the Supreme Court of the United States forced such interests to abandon this fourteenth amendment as either a defense or shelter, and it is now a fact that the only provision of the Federal Constitution to which such interests may retreat is Article I, section 8, known as the commerce clause of the Constitution.

As to the fourteenth amendment, the court has met and answered every argument, and a few cases will render this clear:

In one case the Supreme Court of the United States said that the sale of intoxicating liquors "is not one of the rights growing out of citizenship of the United States." (*Bartemeyer v. Iowa*, Wall, 129.)

In another case that court said: "And if any State deems the retail and internal traffic in ardent spirits injurious to its citizens and calculated to produce idleness, vice, or debauchery, I see nothing in the Constitution of the United States to prevent it from regulating and restraining the traffic or from prohibiting it altogether if it thinks proper." (*The License cases*, 5 How., 576-577.)

In another case the court said: "The law of a State prohibiting the manufacture and sale of intoxicating liquors is not repugnant to the Constitution of the United States. That question is now no longer open in this court." (*Foster v. Kansas*, 112 U. S., 201, 206.)

In still another case it is said the State has the right to prohibit the manufacture of intoxicating liquors within her limits and prohibit all sale and traffic in them in the State, "and such legislation by a State is a clear exercise of her undisputed police power, which does not abridge the liberties or immunities of citizens of the United States, nor deprive any person of property without due process of law, nor in any

way contravene any provision of the fourteenth amendment to the Constitution of the United States." (*Kidd v. Pearson*, 128 U. S., 1, 16.)

And again in another case it is said: "A prohibition simply upon the use of property for purposes that are declared by valid legislation to be injurious to the health, morals, or safety of the community can not, in any just sense, be deemed a taking or an appropriation of property for the public benefit. Such legislation does not disturb the owner in the control or use of his property for lawful purposes nor restrict his right to dispose of it, but is only a declaration by the State that its use by anyone for certain forbidden purposes is prejudicial to the public interests." (*Mugler v. Kansas*, 123 U. S., 688-689.)

Article I, section 8, of the Federal Constitution provides that Congress shall have power to regulate commerce among the several States. In thus vesting in Congress this power the Constitution impliedly forbids any State the right to exercise it without the consent of Congress. Without such consent the State has no power to regulate commerce among the several States, but with such consent the State has unlimited power.

Under this clause of the Federal Constitution the rule of law is that the silence of Congress, or its failure to act, on the subject of commerce among the several States is to be taken as legally equivalent to its declaration that such commerce shall be free and unrestricted.

But with respect to interstate commerce in intoxicating liquor Congress has not been silent and it has not failed to act. In 1890 it enacted a law, known as the Wilson Act, providing that all intoxicating liquors transported into any State shall, upon arrival in such State, be subject to the operation and effect of the laws of such State. The liquor interests attacked that statute, but the Supreme Court of the United States upheld it as valid and constitutional; but it was the judgment of the court that the words "arrival in such State" included delivery to the consignee. Therefore, under the court's construction of this Wilson Act, interstate commerce did not cease until the liquor had actually reached the hands of the consignee. (*Rhodes v. Iowa*, 170 U. S., 412-421.)

The pending Kenyon bill proposes to advance one step beyond the provisions of the Wilson Act.

This Kenyon bill is, in fact, a simple measure. It does two things: First, it withdraws the power of Congress over interstate commerce in so far as intoxicating liquor is involved; second, it consents that the power of the State shall attach to such commerce immediately upon the arrival of the interstate shipment across the State's boundary line and before the article is delivered to the consignee.

Under the Kenyon bill the statutes of the State will control liquor from and after the arrival of the liquor in the State and before its delivery to the consignee.

This is a mere recognition of the doctrine of State rights.

Is there any sound reason to be assigned in opposition to this bill?

Should not the people of each State have the free and unobstructed right to control their domestic affairs in their own way? Should not each State in the American Union have the right to expect the co-operation of the Federal Government in the due, impartial, and thorough administration and enforcement of the laws involving the State's public policy and internal affairs? Is it not both reasonable and right for the Congress of the United States to say to each State, "We voluntarily withdraw our constitutional power over interstate commerce in intoxicating liquors, and we consent that the State's power over such commerce shall attach immediately upon the arrival of any such liquor within the boundaries of the State and before it shall have been delivered to the consignee?"

This is the sum total of the Kenyon bill; and the supporters of the bill represent 71 per cent of the land area of the United States, as against 29 per cent represented by those who reside in "wet" territory. Fifty-one per cent, or forty-six and one-fourth million of the people of the United States live in "dry" territory. Nine American States are 100 per cent "dry," 39 are more than 50 per cent "dry," 25 are over 85 per cent "dry," and 19 are over 90 per cent "dry."

The Members of Congress and the people at large who favor this bill represent a majority of the inhabitants of the United States, and they represent almost three-fourths of the land area of the Nation.

The advocates of this bill in and out of Congress stand for the rule of the people, the right of the people in each several State to enforce State laws without Federal obstruction, and to administer their own internal affairs without statutory or constitutional hindrance on the part of the General Government.

The people of each State have the undoubted right, as American citizens, to determine for themselves whether their State shall be "wet" or "dry," and the Federal Government should freely grant to the State and its people the right to protect themselves by an unembarrassed enforcement of the law.

It is true that the Supreme Court of the United States has said: "Liquor, however obnoxious and hurtful it may be in the judgment of many, is a recognized article of commerce." (*Adams Express Co. v. Kentucky*, 214 U. S., 218, 222.)

But that court has also said: "The purpose of the Wilson bill was to make liquor, after its arrival, a domestic product and confer power upon the State to deal with it accordingly." (*Pabst Brewing Co. v. Crenshaw*, 198 U. S., 17, 27.)

And again:

"Congress, sedulous to prevent its exclusive right to regulate commerce from interfering with the power of the States over intoxicating liquor, by the Wilson Act, adopted a special rule enabling the States to extend their authority as to such liquor shipped from other States before it became commingled with the mass of other property in the State by a sale in the original package." (*Delamater v. South Dakota*, 205 U. S., 93, 98, 99.)

It is apparent that since the passage of the Wilson Act the settled purpose of the Supreme Court of the United States has been to differentiate intoxicating liquors from other objects of interstate commerce, and to distinguish between the decisions which have reference to ordinary articles of commerce between the States and those which concern intoxicating liquors.

In their literature, addressed to members and nonmembers, sent out by the liquor interests in opposition to the passage of this Kenyon bill, the assertions are made that "this bill is the most dangerous measure ever aimed at the liquor traffic"; that "this bill must be killed"; and "the passage of the Kenyon bill will be the biggest victory ever won by the Antislavery League."

The liquor interests attempt to support their opposition by assigning but one reason, and that reason is that the bill interferes with the citizens' rights and personal liberty; but the Supreme Court of the United States has long since expressly overruled such an objection.

The sale of intoxicating liquors "is not one of the rights growing out of citizenship of the United States." (*Bartemeyer v. Iowa*, 13 Wall., 129.)

The following are quotations from decisions of the Supreme Court of the United States:

Mr. Chief Justice Taney:

"It is equally clear that the power of Congress over this subject does not extend further than the regulation of commerce with foreign nations and among the several States; and that beyond these limits the States have never surrendered their power over trade and commerce, and may still exercise it free from any controlling power on the part of the General Government. Every State therefore may regulate its own internal traffic according to its own judgment and upon its own views of the interest and well-being of its citizens." (*License cases*, 5 How., 574.)

The State "is not bound to furnish a market for it, nor to abstain from the passage of any law which it deems necessary or advisable to guard the health or morals of its citizens, although such law may discourage importation or diminish the profits of the importer or lessen the revenue of the General Government. And if any State deems the retail and internal traffic in ardent spirits injurious to its citizens and calculated to produce idleness, vice, or debauchery, I see nothing in the Constitution of the United States to prevent it from regulating and restraining the traffic or from prohibiting it altogether, if it thinks proper." (*Id.*, 576, 577.)

Mr. Justice McLean:

"The acknowledged police power of a State extends often to the destruction of property. A nuisance may be abated. Everything prejudicial to the health or morals of a city may be removed. * * * It is a power essential to self-preservation, and exists, necessarily, in every organized community. It is, indeed, the law of nature, and is possessed by man in his individual capacity. He may resist that which does him harm, whether he be assailed by an assassin or approached by poison. And it is the settled construction of every regulation of commerce that under the sanction of its general laws no man can introduce into a community * * * anything which contaminates its morals or endangers its safety. * * * Individuals in the enjoyment of their own rights must be careful not to injure the rights of others." (*Id.*, 580.)

Mr. Justice Grier:

"It is not necessary for the sake of justifying the State legislation now under consideration to array the appalling statistics of misery, pauperism, and crime which have their origin in the use or abuse of ardent spirits. The police power, which is exclusively in the States, is alone competent to the correction of these great evils, and all measures of restraint or prohibition necessary to effect the purpose are within the scope of that authority. There is no conflict of power or of legislation as between the States and the United States; each is acting within its sphere and for the public good; and if a loss of revenue should accrue to the United States from a diminished consumption of ardent spirits, she will be the gainer a thousandfold in the health, wealth, and happiness of the people." (*Id.*, 631.)

Mr. Justice Woodbury:

"How can they (the States) be sovereign within their respective spheres without power to regulate all their internal commerce, as well as police, and direct how, when, and where it shall be conducted in articles intimately connected either with public morals or public safety or the public prosperity?" (*Id.*, 628.)

Mr. Justice Harlan:

In *Mugler v. Kansas* (123 U. S., 660) it was insisted that, under our system of government, the State may not control the tastes, appetites, habits, and drink of the people except as to the individual's conduct to others, leaving him sole judge as to all that only affects himself.

Mr. Justice Harlan said:

"It will be observed that the proposition and the argument made in support of it equally concede that the right to manufacture drink for one's personal use is subject to the condition that such manufacture does not endanger or affect the rights of others. If such manufacture does prejudicially affect the rights and interests of the community, it follows, from the very premises, that society has the power to protect itself by legislation against the injurious consequences of that business.

"Government may require 'each citizen to so conduct himself and so use his own property as not unnecessarily to injure another.'" (*Munn v. Illinois*, 94 U. S., 113, 124.)

Mr. Justice Bradley:

"If the public safety or the public morals require the discontinuance of any manufacture or traffic, the hand of the legislature can not be stayed from providing for its discontinuance by any incidental inconvenience which individuals or corporations may suffer. All rights are held subject to the police power of the State."

The police power of the State extends "to the protection of the lives, health, and property of the citizens, and to the preservation of good order and public morals." (*Beer Co. v. Mass.*, 97 U. S., 25, 32, 33.)

Mr. Chief Justice Waite:

The law of a State prohibiting the manufacture and sale of intoxicating liquors is not repugnant to the Constitution of the United States. That question is now no longer open in this court. (*Foster v. Kansas*, 112 U. S., 201-206.)

Mr. Justice Lamar:

The State has the right to prohibit the manufacture of intoxicating liquors within her limits, and prohibit all sale and traffic in them in the State, "and such legislation by a State is a clear exercise of her undisputed police power, which does not abridge the liberties or immunities of citizens of the United States nor deprive any person of property without due process of law." (*Kidd v. Pearson*, 128 U. S., 1.)

Mr. Justice Shiras:

"The evils attending the vice of intemperance in the use of spirituous liquors are so great that a natural reluctance is felt in appearing to interfere, even on constitutional grounds, with any law whose avowed purpose is to restrict or prevent the mischief." (*Scott v. Donald*, 165 U. S., 58, 91.)

Mr. Chief Justice Fuller:

"The Constitution does not provide that interstate commerce shall be free, but, by the grant of this exclusive power to regulate it, it was left free except as Congress might impose restraint. Therefore it has been determined that the failure of Congress to exercise this exclusive power in any case is an expression of its will that the subject shall be free from restriction or impositions upon it by the several States." (*In re Rahrer*, 140 U. S., 545, 555.)

"No reason is perceived why, if Congress chooses to provide that certain designated subjects of interstate commerce shall be governed by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so." (*Id.*, 562.)

"All property in this country is held under the implied obligation that the owner's use of it shall not be injurious to the community." (*Mugler v. Kansas*, 123 U. S., 665.)

"By the settled doctrines of this court the police power extends at least to the protection of the lives, the health, and the property of the community against the injurious exercise by any citizen of his own rights." (*Patterson v. Kentucky*, 97 U. S., 501, 504.)

"A prohibition simply upon the use of property for purposes that are declared by valid legislation to be injurious to the health, morals, or safety of the community can not, in any just sense, be deemed a taking or an appropriation of property for the public benefit. Such legislation does not disturb the owner in the control or use of his property for lawful purposes, nor restrict his right to dispose of it, but is only a declaration by the State that its use by anyone for certain forbidden purposes is prejudicial to the public interests." (*Mugler v. Kansas*, 123 U. S., 668, 669.)

"There is no justification for holding that the State, under the guise merely of police regulations, is here aiming to deprive the citizen of his constitutional rights, for we can not shut out of view the fact, within the knowledge of all, that the public health, the public morals, and the public safety may be endangered by the general use of intoxicating drinks; nor the fact, established by statistics accessible to everyone, that the idleness, disorder, pauperism, and crime existing in the country are, in some degree at least, traceable to this evil. If, therefore, a State deems the absolute prohibition of the manufacture and sale within her limits of intoxicating liquors for other than medical, scientific, and manufacturing purposes to be necessary to the peace and security of society, the courts can not, without usurping legislative functions, override the will of the people as thus expressed by their chosen representatives. * * * And so, if, in the judgment of the legislature, the manufacture of intoxicating liquors for the maker's own use as a beverage would tend to cripple, if it did not defeat, the effort to guard the community against the evils attending the excessive use of such liquors, it is not for the courts, upon their views as to what is best and safest for the community, to disregard the legislative determination of that question." (*Mugler v. Kansas*, 123 U. S., 662.)

SPEECH OF SENATOR JOSEPH WELDON BAILEY.

Mr. MARTIN of Virginia. Mr. President, I have had a great many requests for copies of the speech delivered in the Senate by Senator Bailey on the 2d day of January last. I am unable to supply the calls that have been made on me for copies, and I ask that it be printed as a Senate document.

Mr. SMOOT. Did the Senator from Virginia say that the speech was delivered in the Senate?

Mr. MARTIN of Virginia. Yes; the speech was delivered in the Senate.

Mr. SMOOT. Then I wish to say to the Senator that the Joint Committee on Printing have refused at all times to have printed as a public document any speech delivered in either House of Congress.

I may state while I am on my feet the reason for this action. If we undertake to do that, then any Member of the House or Senate could deliver a speech upon any subject and have it not only in the RECORD but printed as a public document and send it, without expense to the Senator or Representative, to any part of the country he saw fit.

Mr. MARTIN of Virginia. If the Senator objects, of course that disposes of the matter. I might say that I have had personal requests for perhaps as many as 20 copies of that speech, and I am unable to supply them.

Mr. SMOOT. I do not want the Senator to think—

Mr. MARTIN of Virginia. I thought if it could be printed so that this demand could be supplied it would be very agreeable to me. That is all there was in it, so far as I am concerned, and the objection disposes of it.

Mr. SMOOT. I do not want the Senator to think that it is a captious objection.

Mr. MARTIN of Virginia. Not at all.

Mr. SMOOT. I want simply to say that the joint committee have agreed upon that course and have followed it out strictly so far.

Mr. MARTIN of Virginia. I understand the situation. I am not thinking that it is a captious objection at all.

The PRESIDENT pro tempore. The request is withdrawn.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolutions:

On February 1, 1913:

S. J. Res. 158. Joint resolution approving the plan, design, and location for a Lincoln memorial.

On February 3, 1913:

S. J. Res. 157. Joint resolution to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1913;

S. 6919. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia;

S. 7508. An act to amend an act entitled "An act to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation, known as the German Orphan Asylum Association of the District of Columbia"; and

S. 1072. An act to amend section 895 of the Code of Law for the District of Columbia.

PUNISHMENT OF MURDER IN THE DISTRICT (S. DOC. NO. 1062).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying bill, referred to the Committee on the District of Columbia:

To the Senate:

In response to the resolution of the Senate (the House of Representatives concurring) of January 30, 1913, I return herewith Senate bill No. 7162, entitled "An act to amend section 801 of the Code of Law for the District of Columbia."

WM. H. TAFT.

THE WHITE HOUSE, January 31, 1913.

OFFICERS FOR AVIATION DUTY.

The PRESIDENT pro tempore. If there is no further morning business, the morning business is closed.

Mr. CUMMINS. I ask unanimous consent—

Mr. MARTINE of New Jersey. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Jersey rise for morning business?

Mr. MARTINE of New Jersey. I rose for inquiry as to a matter regarding a bill which was passed yesterday, the bill (H. R. 17256) to fix the status of officers of the Army and Navy detailed for aviation duty, and to increase the efficiency of the aviation service. I wish to offer an amendment to that bill at the proper time. Would it be proper at this time?

The PRESIDENT pro tempore. The Chair will entertain a motion affecting the bill.

Mr. MARTINE of New Jersey. I presume I should move a recall of the bill from the House.

The PRESIDENT pro tempore. It would be necessary for the Senator to enter a motion to reconsider the bill and ask for its recall.

Mr. MARTINE of New Jersey. If that be proper at this time, I ask respectfully a reconsideration of the vote by which the bill was passed.

The PRESIDENT pro tempore. The Senator can enter a motion to that effect and move to recall the bill.

Mr. MARTINE of New Jersey. I enter the motion, then.

Mr. CULBERSON. Will it not be necessary to recall the bill from the House?

The PRESIDENT pro tempore. The Chair was about to state—

Mr. MARTINE of New Jersey. I move that the Senate request the House to return House bill 17256.

The PRESIDENT pro tempore. The Senator from New Jersey moves the recall from the House of the bill indicated by him, with a view to its reconsideration by the Senate.

Mr. SMOOT. May I ask the Senator from New Jersey what is the bill to which he refers?

Mr. MARTINE of New Jersey. It is the bill (H. R. 17256) to fix the status of officers of the Army and Navy detailed for aviation duty, and to increase the efficiency of the aviation service.

Mr. SMOOT. That bill was passed yesterday.

Mr. MARTINE of New Jersey. It was passed yesterday.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Jersey to request the return from the House of Representatives of the bill named by him.

The motion was agreed to.

Mr. MARTINE of New Jersey. Now, I desire to offer—

The PRESIDENT pro tempore. A motion in reference to the bill is not in order until the bill shall have been returned to the Senate by the House of Representatives.

RESTRAINT OF TRADE.

Mr. CUMMINS. Mr. President, I ask unanimous consent for the present consideration of House bill 25002. The bill was brought to the attention of the Senate yesterday upon the call of the calendar.

Mr. SMITH of Maryland. Mr. President, I want to say that so far as any objection I made to the bill on yesterday is concerned I withdraw it. I presume the bill to which the Senator from Iowa refers is the same bill which I asked on yesterday be carried over, is it not?

Mr. CUMMINS. Yes.

Mr. SMITH of Maryland. I withdraw the objection to the bill I then made.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 25002) to amend section 73 and section 76 of the act of August 27, 1894.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CULBERSON. Let the bill be read for information, Mr. President.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill, but was interrupted by—

Mr. CULBERSON. Mr. President, that is sufficient; I now remember the bill.

Mr. CUMMINS. Mr. President, may I suggest in a moment what the bill is?

Mr. CULBERSON. I have no objection to the consideration of the bill. I recalled the bill after a portion of it had been read by the Secretary.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CUMMINS. Mr. President, I think it is due to state to the Senate what the bill proposes to do. The act of 1894 made unlawful certain combinations and conspiracies substantially as the antitrust law does. Section 73 of that act is not amended by this proposed act in any other way than by inserting the words "as agent or principal." Those words are not very material, but it was thought better to insert them.

I will state the chief amendment proposed in section 76 of that act. Section 76 gave to the Government the right to seize property that was being transported from State to State in violation of the terms of section 73. Articles that were imported into the United States under such a combination or conspiracy were not included in the act of 1894, and the only purpose of this amendment is to enable the Government more effectively to administer the law by giving it the power to seize and confiscate articles coming into the United States which would be in violation of section 73.

I think there can be no objection to the proposed legislation. It is to correct a weakness in the law that has been discovered in certain prosecutions which have heretofore been instituted.

The PRESIDENT pro tempore. The amendments reported by the Committee on the Judiciary will be stated in their order.

Mr. CUMMINS. I ask that the first committee amendment shall be disagreed to, because it was made without remembering that the act of 1894 did not receive the approval of the President, but became a law without his approval. Therefore that amendment should be disagreed to.

The PRESIDENT pro tempore. The first amendment reported by the Committee on the Judiciary will be stated.

The first amendment was, on page 1, line 4, before the word "August," to strike out "of" and insert "approved," so as to read:

That section 73 and section 76 of the act approved August 27, 1894, etc.

The amendment was rejected.

The next amendment of the Committee on the Judiciary was, on page 1, line 5, after the words "eighteen hundred and ninety-four," to insert "entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes'"; in line 7, after the word "same," to strike out "is" and insert "are"; on page 2, line 21, after the word "property," to strike out "owner" and insert "owned"; in line 23, before the word "and" and after the word "thereof," to strike out the parenthesis marks; in line 24, after the word "Act," to strike out "and" and insert "imported into and being within the United States or"; and on page 3, line 1, after the word "transportation," to strike out "from a foreign country into any State, or," so as to make the bill read:

Be it enacted, etc. That section 73 and section 76 of the act of August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," be, and the same are hereby, amended to read as follows:

"Sec. 73. That every combination, conspiracy, trust, agreement, or contract is hereby declared to be contrary to public policy, illegal, and void when the same is made by or between two or more persons or corporations either of whom, as agent or principal, is engaged in importing any article from any foreign country into the United States, and when such combination, conspiracy, trust, agreement, or contract is intended to operate in restraint of lawful trade, or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to be imported into the United States, or of any manufacture into which such imported article enters or is intended to enter. Every person who is or shall hereafter be engaged in the importation of goods or any commodity from any foreign country in violation of this section of this act, or who shall combine or conspire with another to violate the same, is guilty of a misdemeanor, and on conviction thereof in any court of the United States such person shall be fined in a sum not less than \$100 and not exceeding \$5,000, and shall be further punished by imprisonment, in the discretion of the court, for a term not less than 3 months nor exceeding 12 months."

"Sec. 76. That any property owned under any contract or by any combination, or pursuant to any conspiracy, and being the subject thereof, mentioned in section 73 of this act, imported into and being within the United States or being in the course of transportation from one State to another, or to or from a Territory or the District of

Columbia, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. GRONNA. Mr. President, I should like to ask the Senator from Iowa whether or not this bill applies to anything but violations of the Sherman antitrust law?

Mr. CUMMINS. It does not. The act of 1894 provides:

SEC. 73. That every combination, conspiracy, trust, agreement, or contract is hereby declared to be contrary to public policy, illegal, and void when the same is made by or between two or more persons or corporations either of whom is engaged in importing any article from any foreign country into the United States and when such combination, conspiracy, trust, agreement, or contract is intended to operate in restraint of lawful trade or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to be imported into the United States or of any manufacture into which such imported article enters or is intended to enter.

That is made unlawful. The act, in a subsequent section, limited the power of the Government to seize property that was owned in violation of law and that was being used in violation of law to property being transported from one State to another, and did not include property that was imported into the United States and had not passed beyond the limits of the State into which it was imported. For instance, property coming into New York under the act of 1894 and owned illegally, as I have read, if it were passed from New York to New Jersey would be liable to seizure, but if it remained in the city of New York it could not be seized. This proposed act is intended to give the Government the same power to take the property before it enters into transportation between the States that it now has to take it if it does enter into transportation between the States.

Mr. GRONNA. So that the property which comes into this country in violation of the Sherman antitrust law would be subject to seizure under that law but under no other law?

Mr. CUMMINS. There is a little difference between the antitrust law and the act of 1894, although they are intended to carry out the same general policy. The section which we are now proposing to amend refers only to the goods that are condemned under section 73 of the act of 1894.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDENT pro tempore. The amendment reported by the committee to the title of the bill will be stated.

The SECRETARY. It is proposed to amend the title so as to read: "A bill to amend section 73 and section 76 of the act approved August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes.'"

Mr. BRANDEGEE. Mr. President, I call the attention of the Senator from Iowa to the title as proposed to be amended. I ask him if he does not think the word "approved," the first word in the third line from the end, should be changed to the word "of"?

Mr. CUMMINS. The bill has been so amended. The amendment reported by the committee in that respect has been disagreed to because that act was not approved by the President, but was allowed to become a law without his approval.

Mr. BRANDEGEE. An amendment was made in line 4, on the first page of the bill, but not in the title in the place I have indicated, in the third line from the end.

Mr. CUMMINS. That is true. That amendment to the title should be made.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In the amended title as reported by the committee it is proposed to strike out the word "approved" and insert "of," before the word "August," so as to read: "A bill to amend section 73 and section 76 of the act of August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes.'"

The amendment to the amendment was agreed to.

The amended title as amended was agreed to.

Mr. BRANDEGEE. Now, Mr. President, the bill having been passed, I should like to have it printed in the RECORD.

The PRESIDENT pro tempore. Without objection, upon request of the Senator from Connecticut, the bill as passed will be printed in the RECORD.

The bill as passed is as follows:

Be it enacted, etc., That section 73 and section 76 of the act of August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," be, and the same are hereby amended to read as follows:

"SEC. 73. That every combination, conspiracy, trust, agreement, or contract is hereby declared to be contrary to public policy, illegal, and void when the same is made by or between two or more persons or cor-

porations either of whom, as agent or principal, is engaged in importing any article from any foreign country into the United States, and when such combination, conspiracy, trust, agreement, or contract is intended to operate in restraint of lawful trade, or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to be imported into the United States, or of any manufacture into which such imported article enters or is intended to enter. Every person who is or shall hereafter be engaged in the importation of goods or any commodity from any foreign country in violation of this section of this act, or who shall combine or conspire with another to violate the same, is guilty of a misdemeanor, and on conviction thereof in any court of the United States such person shall be fined in a sum not less than \$100 and not exceeding \$5,000, and shall be further punished by imprisonment, in the discretion of the court, for a term not less than 3 months nor exceeding 12 months."

"SEC. 76. That any property owned under any contract or by any combination, or pursuant to any conspiracy, and being the subject thereof, mentioned in section 73 of this act, imported into and being within the United States or being in the course of transportation from one State to another, or to or from a Territory or the District of Columbia, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law."

CONNECTICUT RIVER DAM.

Mr. BRANDEGEE. Mr. President, has morning business closed?

The PRESIDENT pro tempore. Morning business has closed.

Mr. BRANDEGEE. I should like to prefer a request for unanimous consent before the morning business is closed.

The PRESIDENT pro tempore. The Chair will consider it open for that purpose.

Mr. BRANDEGEE. I ask the Secretary to read the proposed unanimous-consent agreement which I handed to him a moment ago.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

It is agreed by unanimous consent that on Thursday, February 6, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of Senate bill 8033, calendar No. 1001, authorizing the construction of a dam across the Connecticut River, and before adjournment on that legislative day will vote upon any amendment that may be pending, all amendments that may be offered, and upon the bill through regular parliamentary stages to its final disposition.

This agreement shall not interfere with the unanimous-consent agreement entered into on January 11, 1913, concerning Senate bill 4043, to prohibit interstate commerce in intoxicating liquors in certain cases, nor with appropriation bills, conference reports, or the consideration of the commemorative resolutions which are on the calendar for Saturday, February 8.

Mr. BORAH. Mr. President, the proposed unanimous-consent agreement is the same, I presume, as that submitted yesterday morning.

Mr. BRANDEGEE. Yes; it was read from the RECORD.

Mr. BORAH. Mr. President, I object.

Mr. BRANDEGEE. Then, Mr. President, I give notice that I will ask the Senator in charge of the bill, the Senator from Ohio [Mr. BURTON], to move to proceed to the consideration of the bill to-morrow, on the return of the chairman of the Committee on Commerce [Mr. NELSON].

The PRESIDENT pro tempore. The notice will be entered.

Mr. BANKHEAD. Mr. President, I think perhaps it may be well to have the parliamentary status of this bill determined before we proceed any further with its consideration. Two reports have been filed—one was filed for the committee by the Senator from Ohio [Mr. BURTON]; the other was filed, signed by a majority of the committee, though in this case called the "minority report." The status, therefore, is that a majority of the Committee on Commerce file a report proposing to strike from the bill, as proposed by the Senator from Ohio, a certain proviso. When this bill comes before the Senate I should like to know who will have charge of the bill, whether or not it will be the minority or majority of the committee?

The PRESIDENT pro tempore. The bill is not now before the Senate. The Senator from Connecticut simply gave notice that at a certain time he would ask that it be taken up.

Mr. BANKHEAD. I misunderstood the Senator. We can determine that question, then, when the bill comes up.

The PRESIDENT pro tempore. "Sufficient unto the day is the evil thereof."

Mr. BORAH. May I ask the Secretary to state the notice which the Senator from Connecticut gave?

The PRESIDENT pro tempore. The reporter will please read it.

Mr. BRANDEGEE. I can state it again, Mr. President.

The PRESIDENT pro tempore. The reporter can read it.

The reporter read as follows:

Mr. BRANDEGEE. Then, Mr. President, I give notice that I will ask the Senator in charge of the bill, the Senator from Ohio [Mr. BURTON], to move to proceed to the consideration of the bill to-morrow upon the return of the chairman of the Committee on Commerce [Mr. NELSON].

Mr. BORAH. Mr. President, I have no doubt that that request will be granted by the Senator from Ohio.
Mr. BRANDEGEE. I will say that if it is not, I will call up the bill myself.

Mr. SMOOT. Mr. President—
The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. SMOOT. I thought the Senator was through.

Mr. BURTON rose.

Mr. BORAH. I yield to the Senator from Ohio.

Mr. BURTON. Mr. President, I should be ready to make that motion now, but the chairman of the Committee on Commerce, the Senator from Minnesota [Mr. NELSON], made an earnest request that action be not taken on the bill until his return. He will return to-morrow morning. In any event, I give notice that whether the bill is brought up for consideration or not I shall seek to address the Senate on the bill immediately after the close of the routine morning business to-morrow.

Mr. BORAH. Mr. President, I shall not oppose the order which is to be moved by such concert of action; but I will say to the Senator from Connecticut that I am perfectly willing that the bill shall be made the unfinished business.

Mr. BRANDEGEE. That would be the effect if the motion prevailed to proceed to its consideration and the debate upon it continued until after 2 o'clock, as I understand.

Mr. BORAH. That depends upon the hour at which the motion is made.

Mr. BRANDEGEE. Yes.

Mr. BORAH. I have no objection whatever to the consideration of this bill, but I want it to come at a time when we can give it some consideration.

Mr. BRANDEGEE. The Senator and I are entirely in accord in that respect.

Mr. SMOOT obtained the floor.

Mr. WARREN. Mr. President—

Mr. SMOOT. I yield to the Senator from Wyoming for a moment.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. Mr. President, at an earlier day conferees were appointed on the legislative, executive, and judicial appropriation bill. The Senator from Louisiana [Mr. FOSTER], who was unavoidably called away and who will be away for some time, requests that his place upon the conference committee be filled, and I ask the Chair to fill it.

The PRESIDENT pro tempore. Upon the statement of the Senator from Wyoming, the Senator from Louisiana [Mr. FOSTER] will be excused from service upon the conference committee, and the Senator from North Carolina [Mr. OVERMAN] will be appointed in his place.

EXECUTIVE SESSION.

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate proceed to the consideration of executive business.

Mr. MARTIN of Virginia. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN], and therefore withhold my vote.

Mr. CLARKE of Arkansas (when his name was called). I am paired with the junior Senator from Utah [Mr. SUTHERLAND]. Unless he appears before the roll call is concluded, I will not vote.

Mr. SHIVELY (when Mr. KERN's name was called). I desire to announce that my colleague is necessarily absent from the city. He is paired with the junior Senator from Kentucky [Mr. BRADLEY].

Mr. MARTIN of Virginia (when his name was called). I am paired for the day with the Senator from Minnesota [Mr. NELSON]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote. I vote "nay."

Mr. OLIVER (when his name was called). I am paired with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I desire this announcement to stand for the day.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. As he is absent from the Chamber, I will withhold my vote.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. As he is paired with the Senator from Massachusetts [Mr. CRANE], which leaves me free to vote, I will do so. I vote "yea."

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. In his absence, I withhold my vote.

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED]. I transfer that pair to the Senator from New Mexico [Mr. FALL] and will vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Louisiana [Mr. FOSTER], who is detained from the Chamber by illness in his family. I therefore withhold my vote.

The roll call was concluded.

Mr. CLARK of Wyoming (after having voted in the affirmative). I transfer my general pair with the senior Senator from Missouri [Mr. STONE] to the junior Senator from Nevada [Mr. MASSEY] and will allow my vote to stand. I ask that this announcement may stand for the day.

Mr. WATSON. I have a general pair with the senior Senator from New Jersey [Mr. BIGGS]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and vote. I vote "nay."

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. FOSTER] on account of illness in his family, and also that he is paired with the junior Senator from Wyoming [Mr. WARREN]. I ask that this announcement may stand for the day.

The result was announced—yeas 37, nays 35, as follows:

YEAS—37.

Borah	Crawford	Jones	Smith, Mich.
Bourne	Cullom	Kenyon	Smoot
Brandeggee	Cummins	Lippitt	Stephenson
Bristow	Curtis	Lodge	Sutherland
Brown	Dillingham	McCumber	Townsend
Burnham	du Pont	McLean	Wetmore
Burton	Gallinger	Page	Works
Catron	Gamble	Penrose	
Clapp	Gronna	Perkins	
Clark, Wyo.	Jackson	Root	

NAYS—35.

Ashurst	Johnson, Me.	O'Gorman	Smith, Md.
Bacon	Johnston, Ala.	Percy	Swanson
Bankhead	Kavanaugh	Perky	Thomas
Bryan	La Follette	Pomerene	Thornton
Chilton	Lea	Sheppard	Tillman
Culberson	Martin, Va.	Shively	Watson
Fletcher	Martine, N. J.	Simmons	Webb
Gardner	Myers	Smith, Ariz.	Williams
Hitchcock	Newlands	Smith, Ga.	

NOT VOTING—23.

Bradley	Fall	Nelson	Reed
Briggs	Foster	Oliver	Richardson
Chamberlain	Gore	Overman	Smith, S. C.
Clarke, Ark.	Guggenheim	Owen	Stone
Crane	Kern	Paynter	Warren
Dixon	Massey	Poindexter	

So the motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 15 minutes spent in executive session the doors were reopened, and (at 2 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 5, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 4, 1913.

COLLECTOR OF CUSTOMS.

Frederick S. Stratton, of California, to be collector of customs for the district of San Francisco, in the State of California. (Reappointment.)

PROMOTIONS IN THE PUBLIC HEALTH SERVICE.

William E. Glanville to be assistant surgeon in the Public Health Service, United States, to fill an original vacancy.

John H. Smith, jr., to be assistant surgeon in the Public Health Service, United States, to fill an original vacancy.

Henry F. White to be assistant surgeon in the Public Health Service, United States, to fill an original vacancy.

SURVEYOR GENERAL OF OREGON.

D. L. Keyt, of Oregon, to be surveyor general of Oregon, vice George A. Westgate, term expired.

RECEIVER OF PUBLIC MONEYS.

Douglas W. March, of South Dakota, to be receiver of public moneys at Pierre, S. Dak., his term expiring February 5, 1913. (Reappointment.)

PROMOTIONS IN THE ARMY.

QUARTERMASTER CORPS.

Lieut. Col. Thomas Cruse, Quartermaster Corps, to be colonel from February 1, 1913, vice Col. William H. Miller, retired from active service January 31, 1913.

Maj. Arthur W. Yates, Quartermaster Corps, to be lieutenant colonel from February 1, 1913, vice Lieut. Col. Thomas Cruse, promoted.

INFANTRY ARM.

Lieut. Col. Samuel W. Dunning, Infantry, unassigned, to be colonel from February 1, 1913, vice Col. Charles A. Booth, unassigned, retired from active service January 31, 1913.

Maj. Robert H. Noble, Twelfth Infantry, to be lieutenant colonel from February 1, 1913, vice Lieut. Col. Samuel W. Dunning, unassigned, promoted.

Capt. Isaac C. Jenks, Infantry, unassigned, to be major from February 1, 1913, vice Maj. Robert H. Noble, Twelfth Infantry, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from January 25, 1913.

Roger Post Ames, of Louisiana.

George Henry Torney, jr., of Massachusetts.

POSTMASTERS.

ALABAMA.

Reuben Hosea Sartain to be postmaster at Oakman, Ala., in place of Alice A. Sartain, deceased.

Edgar A. McFerrin to be postmaster at Opp, Ala., in place of Edgar A. McFerrin. Incumbent's commission expires February 20, 1913.

Henry C. Willis to be postmaster at Alexander City, Ala., in place of Henry C. Willis. Incumbent's commission expires February 20, 1913.

ARIZONA.

Leonard D. Redfield to be postmaster at Benson, Ariz., in place of Leonard D. Redfield. Incumbent's commission expires February 11, 1913.

CALIFORNIA.

John J. Campbell to be postmaster at Galt, Cal., in place of John J. Campbell. Incumbent's commission expired January 20, 1913.

Albert E. Dixon to be postmaster at Point Loma, Cal., in place of Albert E. Dixon. Incumbent's commission expired January 20, 1913.

John T. Green to be postmaster at Wasco, Cal. Office became presidential January 1, 1913.

Frederick C. Harvey to be postmaster at Lone Pine, Cal. Office became presidential January 1, 1913.

Frank H. Owen to be postmaster at Colton, Cal., in place of Wilson Hays, deceased.

John H. Rupp to be postmaster at Cucamonga, Cal. Office became presidential January 1, 1913.

David C. Simpson to be postmaster at Courtland, Cal., in place of Charles E. Bauer, resigned.

Evelyn Stokes to be postmaster at Guadalupe (late Guadalupe), Cal., in place of Evelyn Stokes, to change name of office.

COLORADO.

E. F. Van Noy to be postmaster at Fort Morgan, Colo., in place of Frank E. Baker, removed.

CONNECTICUT.

William E. Gates to be postmaster at Glastonbury, Conn., in place of William E. Gates. Incumbent's commission expired January 20, 1913.

Tudor Gowdy to be postmaster at Thompsonville, Conn., in place of Tudor Gowdy. Incumbent's commission expired January 20, 1913.

DELAWARE.

Walter Beaston to be postmaster at Middletown, Del., in place of John A. Dolls, deceased.

FLORIDA.

Leland M. Chubb to be postmaster at Winter Park, Fla., in place of Leland M. Chubb. Incumbent's commission expires February 9, 1913.

Florida E. Gay to be postmaster at Lynn Haven, Fla. Office became presidential January 1, 1913.

John Harvey to be postmaster at Williston, Fla. Office became presidential January 1, 1913.

James H. Lundy to be postmaster at Perry, Fla., in place of James H. Lundy. Incumbent's commission expired January 26, 1913.

GEORGIA.

Julian Asher to be postmaster at Midville, Ga. Office became presidential January 1, 1913.

Benjamin L. Bryan to be postmaster at Union Point, Ga., in place of Benjamin L. Bryan. Incumbent's commission expired January 27, 1913.

Mary P. Dixon to be postmaster at West Point, Ga., in place of Mary P. Dixon. Incumbent's commission expired January 27, 1913.

William T. Edwards to be postmaster at Canton, Ga., in place of William T. Edwards. Incumbent's commission expired January 11, 1913.

Henry M. Miller to be postmaster at Colquitt, Ga., in place of Henry M. Miller. Incumbent's commission expired January 27, 1913.

William F. Pentecost to be postmaster at Lawrenceville, Ga., in place of William C. Cole, resigned.

Josiah J. Walker to be postmaster at Bowden, Ga. Office became presidential January 1, 1913.

IDAHO.

Thomas C. White to be postmaster at St. Maries, Idaho, in place of Thomas C. White. Incumbent's commission expired December 17, 1912.

ILLINOIS.

Arthur Brown to be postmaster at Thebes, Ill., in place of Holly C. Marchildon, removed.

Wallace Diver to be postmaster at Dallas City, Ill., in place of Wallace Diver. Incumbent's commission expired January 26, 1913.

Mary E. Foster to be postmaster at Bradford, Ill., in place of Eugene A. Foster, deceased.

William M. McDonald to be postmaster at Chandlerville, Ill., in place of William M. McDonald. Incumbent's commission expired January 14, 1913.

Herman F. Mette to be postmaster at Flanagan, Ill., in place of Herman F. Mette. Incumbent's commission expires February 20, 1913.

S. J. Porterfield to be postmaster at Cullom, Ill., in place of John W. White. Incumbent's commission expires February 20, 1913.

INDIANA.

Joseph S. Vanatta to be postmaster at Earl Park, Ind., in place of Joseph S. Vanatta. Incumbent's commission expired January 25, 1913.

William L. Walters to be postmaster at Fort Branch, Ind., in place of William L. Walters. Incumbent's commission expires March 2, 1913.

IOWA.

George C. Allen to be postmaster at Estherville, Iowa, in place of George C. Allen. Incumbent's commission expired December 20, 1910.

Eugene M. Crosswait to be postmaster at Earlham, Iowa, in place of Eugene M. Crosswait. Incumbent's commission expires February 9, 1913.

Harry C. Chapple to be postmaster at Independence, Iowa, in place of Harry C. Chapple. Incumbent's commission expires February 20, 1913.

William B. Davis to be postmaster at Lewis, Iowa. Office became presidential January 1, 1913.

Susan Dickey to be postmaster at Mechanicsville, Iowa, in place of William L. Comstock. Incumbent's commission expired December 14, 1912.

John H. Hunt to be postmaster at Allison, Iowa, in place of John H. Hunt. Incumbent's commission expired December 14, 1912.

J. E. T. Johnson to be postmaster at Gowrie, Iowa, in place of J. E. T. Johnson. Incumbent's commission expired December 14, 1912.

Eva Keith to be postmaster at Goldfield, Iowa, in place of Eva Keith. Incumbent's commission expired January 11, 1913.

S. L. Thompson to be postmaster at Corwith, Iowa, in place of S. L. Thompson. Incumbent's commission expired March 25, 1912.

KANSAS.

Henry L. Cooper to be postmaster at Eldorado, Kans., in place of Alice Murdock, removed.

Clarence P. Dutton to be postmaster at McCracken, Kans., in place of Clarence P. Dutton. Incumbent's commission expired January 14, 1913.

Maude McElheny to be postmaster at Louisburg, Kans., in place of George V. McElheny, deceased.

Harry B. Price to be postmaster at Cherokee, Kans., in place of John F. Price. Incumbent's commission expired January 11, 1913.

Clark C. Thomas to be postmaster at Moran, Kans., in place of Clark C. Thomas. Incumbent's commission expired January 11, 1913.

LOUISIANA.

Tina Collins to be postmaster at Bastrop, La., in place of John Dominique. Incumbent's commission expired January 20, 1913.

Mary Hunter to be postmaster at Pineville, La. Office became presidential January 1, 1913.

MAINE.

Joseph F. Dorr to be postmaster at Kittery Point, Me., in place of Horace Mitchell, resigned.

Roy M. Hescock to be postmaster at Monson, Me., in place of Roy M. Hescock. Incumbent's commission expired January 12, 1913.

Clarence L. Ridlon to be postmaster at West Paris, Me., in place of Clarence L. Ridlon. Incumbent's commission expires March 1, 1913.

MARYLAND.

Edgar F. Bradley to be postmaster at Hurlock, Md., in place of William H. Stevens, jr. Incumbent's commission expired January 29, 1913.

Thomas O. Jefferson to be postmaster at Federalsburg, Md., in place of Thomas O. Jefferson. Incumbent's commission expires February 11, 1913.

William B. Massey to be postmaster at Greensboro, Md., in place of William B. Massey. Incumbent's commission expires February 11, 1913.

Asbury C. Riley to be postmaster at Snow Hill, Md., in place of Asbury C. Riley. Incumbent's commission expired January 11, 1913.

MASSACHUSETTS.

Benjamin Derby, jr., to be postmaster at Concord Junction, Mass., in place of Benjamin Derby, jr. Incumbent's commission expired February 1, 1913.

Francis D. Dunbar to be postmaster at Canton, Mass., in place of Francis D. Dunbar. Incumbent's commission expires February 9, 1913.

George H. Haines to be postmaster at Sandwich, Mass., in place of Charles E. Brady, resigned.

MICHIGAN.

Stuart Beatty to be postmaster at Utica, Mich., in place of Stuart Beatty. Incumbent's commission expired December 14, 1912.

Andrew Bram to be postmaster at Hancock, Mich., in place of Charles F. Rogers. Incumbent's commission expires February 9, 1913.

David J. Evans to be postmaster at Millington, Mich., in place of David J. Evans. Incumbent's commission expired December 14, 1912.

Edward Glerum to be postmaster at Le Roy, Mich. Office became presidential January 1, 1912.

Lynn T. Hulett to be postmaster at Augusta, Mich. Office became presidential October 1, 1912.

Maurice H. Kimberly to be postmaster at Bellevue, Mich., in place of George A. Barnes, resigned.

Ebenezer A. Litchfield to be postmaster at Elsie, Mich., in place of Ebenezer A. Litchfield. Incumbent's commission expires February 9, 1913.

Ben F. McMillen to be postmaster at Tekonsha, Mich., in place of Ben F. McMillen. Incumbent's commission expired January 14, 1913.

William C. Mertz to be postmaster at St. Charles, Mich., in place of William C. Mertz. Incumbent's commission expires March 1, 1913.

William E. Redick to be postmaster at Barryton, Mich., in place of James L. Campbell, removed.

O. J. Pennell to be postmaster at Berrien Springs, Mich., in place of Guy C. Mars. Incumbent's commission expires February 9, 1913.

Frank F. Taylor to be postmaster at Tawas City, Mich., in place of William B. Kelly, deceased.

MINNESOTA.

Frank E. Bardwell to be postmaster at Excelsior, Minn., in place of Frank E. Bardwell. Incumbent's commission expired January 14, 1913.

John D. Barstow to be postmaster at Barnum, Minn. Office became presidential January 1, 1913.

Jacob Geib to be postmaster at Gaylord, Minn., in place of Jacob Geib. Incumbent's commission expires February 9, 1913.

O. R. Hatton to be postmaster at Brocton, Minn., in place of O. R. Hatton. Incumbent's commission expires February 11, 1913.

James Haukland to be postmaster at Maynard, Minn. Office became presidential January 1, 1912.

Hattie J. Hodgson to be postmaster at Herman, Minn., in place of Hattie J. Hodgson. Incumbent's commission expires February 9, 1913.

Mathias B. Jenson to be postmaster at Clarkfield, Minn., in place of Mathias B. Jenson. Incumbent's commission expires February 9, 1913.

J. T. Larson to be postmaster at Evansville, Minn., in place of J. T. Larson. Incumbent's commission expires February 11, 1913.

Frank A. Lindbergh to be postmaster at Crosby, Minn. Office became presidential January 1, 1913.

Mary Mogren to be postmaster at Ortonville, Minn., in place of Mary Mogren. Incumbent's commission expires February 11, 1913.

Charles M. Nelson to be postmaster at Elbow Lake, Minn., in place of Charles M. Nelson. Incumbent's commission expires March 1, 1913.

J. B. Pallansch to be postmaster at Albany, Minn., in place of J. B. Pallansch. Incumbent's commission expires February 10, 1913.

Charles S. Peterson to be postmaster at Badger, Minn. Office became presidential January 1, 1913.

Fred D. Vibert to be postmaster at Cloquet, Minn., in place of Fred D. Vibert. Incumbent's commission expired January 22, 1913.

MISSISSIPPI.

Laura M. Gowdy to be postmaster at Batesville, Miss., in place of Laura M. Gowdy. Incumbent's commission expires February 9, 1913.

Samuel M. Howry to be postmaster at Oxford, Miss., in place of Samuel M. Howry. Incumbent's commission expired January 11, 1913.

Nannie B. Richardson to be postmaster at Woodville, Miss., in place of Nannie B. Richardson. Incumbent's commission expired January 11, 1913.

MISSOURI.

Mary C. Dyer to be postmaster at Warrenton, Mo., in place of Iola W. Morsey. Incumbent's commission expired December 14, 1912.

B. P. Sigler to be postmaster at Bethany, Mo., in place of B. P. Sigler. Incumbent's commission expires March 2, 1913.

MONTANA.

George W. Crane to be postmaster at Fort Benton, Mont., in place of George W. Crane. Incumbent's commission expires February 10, 1913.

Harry L. Coulter to be postmaster at Plains, Mont., in place of Harry L. Coulter. Incumbent's commission expires February 17, 1913.

NEBRASKA.

Andrew B. Anderson to be postmaster at Florence, Nebr. Office became presidential January 1, 1913.

Benjamin F. Colburn to be postmaster at Palmer, Nebr., in place of Orrin Peck, deceased.

Abraham L. Gray to be postmaster at Riverton, Nebr. Office became presidential January 1, 1913.

Jacob H. Jimerson to be postmaster at Liberty, Nebr. Office became presidential January 1, 1913.

J. L. Johnson to be postmaster at Bridgeport, Nebr., in place of Charles F. Clawges. Incumbent's commission expired January 28, 1913.

Adelbert W. Knight to be postmaster at Belgrade, Nebr. Office became presidential January 1, 1913.

Harry P. Tinscher to be postmaster at Odell, Nebr. Office became presidential January 1, 1913.

Fay Whitfield to be postmaster at Peru, Nebr., in place of Fay Whitfield. Incumbent's commission expired December 17, 1912.

NEW HAMPSHIRE.

Adelia M. Barrows to be postmaster at Hinsdale, N. H., in place of Adelia M. Barrows. Incumbent's commission expired January 26, 1913.

NEW JERSEY.

Henry H. Banker to be postmaster at New Brunswick, N. J., in place of Charles W. Russell. Incumbent's commission expired January 13, 1913.

William H. Bannard to be postmaster at Asbury Park, N. J., in place of William H. Bannard. Incumbent's commission expires February 20, 1913.

William Cardwell to be postmaster at East Orange, N. J., in place of Marcus Mitchell, deceased.

Ezra F. Ferris to be postmaster at Chatham, N. J., in place of Ezra F. Ferris. Incumbent's commission expired January 26, 1913.

Samuel Gordon to be postmaster at South River, N. J., in place of Samuel Gordon. Incumbent's commission expired January 11, 1913.

Forman T. Johnson to be postmaster at Lakewood, N. J., in place of Albert M. Bradshaw. Incumbent's commission expired December 16, 1912.

Ada B. Nafew to be postmaster at Eatontown, N. J., in place of Ada B. Nafew. Incumbent's commission expired January 14, 1913.

Alexander B. Roberts to be postmaster at Tenafly, N. J., in place of Alexander B. Roberts. Incumbent's commission expires February 9, 1913.

William M. Thompson to be postmaster at Red Bank, N. J., in place of Louis Y. Manning. Incumbent's commission expires February 9, 1913.

NEW YORK.

Dana Brasted to be postmaster at Westport, N. Y., in place of Dana Brasted. Incumbent's commission expired January 11, 1913.

William T. Chapman to be postmaster at Pawling, N. Y., in place of William T. Chapman. Incumbent's commission expires February 17, 1913.

Jarius S. Chase to be postmaster at Windsor, N. Y., in place of Jarius S. Chase. Incumbent's commission expired January 11, 1913.

John A. Hanna to be postmaster at Dover Plains, N. Y., in place of John A. Hanna. Incumbent's commission expires February 17, 1913.

Ethel M. Makepeace to be postmaster at Alexandria Bay, N. Y., in place of Elbert E. Makepeace, deceased.

Hugh Smiley to be postmaster at Mohonk Lake, N. Y., in place of Daniel Smiley, resigned.

John Smythe to be postmaster at Cold Spring, N. Y., in place of John Smythe. Incumbent's commission expired January 18, 1913.

Philo C. Wheeler to be postmaster at Cincinnati, N. Y., in place of Philo C. Wheeler. Incumbent's commission expired January 11, 1913.

Charles N. Wood to be postmaster at Angola, N. Y., in place of Charles N. Wood. Incumbent's commission expired January 11, 1913.

NORTH CAROLINA.

John F. Dobson to be postmaster at Goldsboro, N. C., in place of John F. Dobson. Incumbent's commission expired December 11, 1911.

Frank M. Grice to be postmaster at Elizabeth City, N. C., in place of John P. Overman. Incumbent's commission expired May 14, 1912.

Mattie S. Martin to be postmaster at Leaksville, N. C., in place of Mattie S. Martin. Incumbent's commission expired May 16, 1912.

NORTH DAKOTA.

William E. Biggs to be postmaster at New Rockford, N. Dak., in place of William E. Biggs. Incumbent's commission expires February 17, 1913.

Anna C. Knudson to be postmaster at Taylor, N. Dak., in place of Joseph F. Christen, resigned.

OHIO.

Edward H. Collins to be postmaster at Bedford, Ohio, in place of Edward H. Collins. Incumbent's commission expired January 21, 1913.

Lee W. Hungerford to be postmaster at Fairport Harbor, Ohio, in place of Thomas M. Irwin, deceased.

Thomas L. Knauf to be postmaster at Calla, Ohio, in place of Thomas L. Knauf. Incumbent's commission expired January 21, 1913.

Wilson A. Korn to be postmaster at New Philadelphia, Ohio, in place of Wilson A. Korn. Incumbent's commission expired April 13, 1912.

A. C. Smith to be postmaster at Byesville, Ohio, in place of Charles R. Austin, deceased.

OKLAHOMA.

Charles D. Campbell to be postmaster at Apache, Okla., in place of Charles D. Campbell. Incumbent's commission expired March 20, 1912.

Jay Collis to be postmaster at Manitou, Okla., in place of Jay Collis. Incumbent's commission expired January 14, 1913.

Lydia Dodson to be postmaster at Nowata, Okla., in place of Frank McCartney. Incumbent's commission expired February 28, 1912.

Ransom H. Drewry to be postmaster at Marlow, Okla., in place of Ransom H. Drewry. Incumbent's commission expired January 14, 1913.

Frank Gallop to be postmaster at Clinton, Okla., in place of Frank Gallop. Incumbent's commission expired January 28, 1913.

Marion Haskins to be postmaster at Blanchard, Okla., in place of Robert E. L. McLain, resigned.

Edwin F. Korn to be postmaster at Newkirk, Okla., in place of Edwin F. Korn. Incumbent's commission expired January 28, 1913.

Mary H. McBrian to be postmaster at Ryan, Okla., in place of Mary M. McBrian. Incumbent's commission expired January 21, 1913.

Charles G. Wattson to be postmaster at El Reno, Okla., in place of Charles G. Wattson. Incumbent's commission expired June 28, 1910.

James Wilkin to be postmaster at Tonkawa, Okla., in place of James Wilkin. Incumbent's commission expires February 11, 1913.

Orlo H. Wills to be postmaster at Delaware, Okla. Office became presidential July 1, 1911.

OREGON.

J. W. Donnelly to be postmaster at Condon, Oreg., in place of John F. Reisacher, resigned.

Frank B. Southwick to be postmaster at Salem, Oreg., in place of Squire Farrar. Incumbent's commission expired April 12, 1910.

Guy E. Tex to be postmaster at Central Point, Oreg., in place of Guy E. Tex. Incumbent's commission expires March 2, 1913.

Wilson S. Watters to be postmaster at Stayton, Oreg. Office became presidential January 1, 1912.

PENNSYLVANIA.

Frank M. Butterfield to be postmaster at New Milford, Pa., in place of Frank M. Butterfield. Incumbent's commission expires February 9, 1913.

William S. Davidson to be postmaster at Lemoyne, Pa. Office became presidential January 1, 1913.

Horace A. Deardorff to be postmaster at Aspinwall, Pa., in place of Samuel R. McMorran, resigned.

A. L. Etter to be postmaster at Middletown, Pa., in place of John S. Longenecker. Incumbent's commission expires February 9, 1913.

William T. Evans to be postmaster at Lykens, Pa., in place of Henry Feindt. Incumbent's commission expired January 12, 1913.

Julia C. Gleason to be postmaster at Villanova, Pa., in place of Julia C. Gleason. Incumbent's commission expired January 11, 1913.

Robert H. Johnston to be postmaster at Elk Lick, Pa., in place of Albert B. Lowry, resigned.

Timothy J. Leahy to be postmaster at Sayre, Pa., in place of Timothy J. Leahy. Incumbent's commission expires February 9, 1913.

James B. Mates to be postmaster at Butler, Pa., in place of James B. Mates. Incumbent's commission expires February 9, 1913.

Perry W. Orr to be postmaster at Harrisville, Pa. Office became presidential January 1, 1912.

Frank J. Over to be postmaster at Hollidaysburg, Pa., in place of Frank J. Over. Incumbent's commission expires March 2, 1913.

Thomas W. Parkinson to be postmaster at Norwood Station, Pa. Office became presidential October 1, 1912.

Thomas Powell to be postmaster at Patton, Pa., in place of Edward Hunter. Incumbent's commission expired February 17, 1912.

I. N. Rodkey to be postmaster at Spangler, Pa., in place of Eliza Mitchell. Incumbent's commission expired December 11, 1911.

Elizabeth R. Skelton to be postmaster at Cynwyd, Pa., in place of Elizabeth R. Skelton. Incumbent's commission expired January 25, 1913.

Sylvester C. Stout to be postmaster at Glenside, Pa., in place of Sylvester C. Stout. Incumbent's commission expires February 9, 1913.

Uriah H. Wieand to be postmaster at Emaus, Pa., in place of Uriah H. Wieand. Incumbent's commission expires February 9, 1913.

RHODE ISLAND.

Edward S. Payne to be postmaster at Block Island, R. I., in place of Edward S. Payne. Incumbent's commission expired January 11, 1913.

James S. Scully to be postmaster at Crompton, R. I. Office became presidential January 1, 1913.

SOUTH CAROLINA.

Philip L. Moorer to be postmaster at St. George, S. C., in place of Joseph H. Abbey. Incumbent's commission expired January 29, 1913.

SOUTH DAKOTA.

Arthur W. Bartels to be postmaster at Gary, S. Dak., in place of Arthur W. Bartels. Incumbent's commission expires February 9, 1913.

Charles McCaffree to be postmaster at Howard, S. Dak., in place of Boyd Wales. Incumbent's commission expired January 26, 1913.

N. Howard Wendell to be postmaster at Aberdeen, S. Dak., in place of N. Howard Wendell. Incumbent's commission expires February 11, 1913.

TENNESSEE.

Susanah E. Farley to be postmaster at Whiteville, Tenn., in place of Susanah E. Farley. Incumbent's commission expires March 3, 1913.

William C. Lyle to be postmaster at Dandridge, Tenn. Office became presidential January 1, 1913.

TEXAS.

John N. Johnson to be postmaster at Rockwall, Tex., in place of John N. Johnson. Incumbent's commission expires February 11, 1913.

F. H. Pierson to be postmaster at Lone Oak, Tex., in place of George L. Johnson, deceased.

C. R. Porterfield to be postmaster at Lott, Tex., in place of C. A. Cox. Incumbent's commission expired December 16, 1912.

G. B. Renfrow to be postmaster at Rockdale, Tex., in place of Ben Lowenstein. Incumbent's commission expired January 14, 1913.

J. T. Sewell to be postmaster at Daingerfield, Tex., in place of D. H. McCoy. Incumbent's commission expired January 27, 1913.

VERMONT.

Carroll B. Webster to be postmaster at Barton, Vt., in place of Carroll B. Webster. Incumbent's commission expires February 9, 1913.

VIRGINIA.

John S. Bateman to be postmaster at Crozet, Va. Office became presidential October 1, 1911.

A. B. Buchanan to be postmaster at Tazewell, Va., in place of William C. Pendleton, resigned.

Channing M. Goode to be postmaster at College Park, Va., in place of Channing M. Goode. Incumbent's commission expires February 9, 1913.

James H. Hurt to be postmaster at Wytheville, Va., in place of J. L. Gleaves, deceased.

William F. Kennedy to be postmaster at Kenbridge, Va. Office became presidential January 1, 1913.

Florence Rambo to be postmaster at Damascus, Va. Office became presidential October 1, 1912.

John C. Tucker to be postmaster at National Soldiers' Home, Va., in place of John C. Tucker. Incumbent's commission expired May 20, 1912.

WASHINGTON.

W. W. Askren to be postmaster at Bothell, Wash. Office became presidential January 1, 1913.

Carl E. Barron to be postmaster at Sumner, Wash., in place of De Witt C. Hostetter, resigned.

Fred Colbert to be postmaster at Ilwaco, Wash. Office became presidential January 1, 1913.

Jacob T. Grove to be postmaster at Deer Park, Wash., in place of Jacob T. Grove. Incumbent's commission expired January 28, 1913.

Orin D. Post to be postmaster at Sumas, Wash., in place of Orin D. Post. Incumbent's commission expires February 11, 1913.

WEST VIRGINIA.

Edward A. Byron to be postmaster at Berwind, W. Va. Office became presidential January 1, 1913.

James W. Hughes to be postmaster at Huntington, W. Va., in place of James W. Hughes. Incumbent's commission expired February 3, 1913.

Paul H. Metcalf to be postmaster at Williamstown, W. Va., in place of Paul H. Metcalf. Incumbent's commission expired January 11, 1913.

WISCONSIN.

Robert J. Audiss to be postmaster at Westfield, Wis., in place of Robert J. Audiss. Incumbent's commission expires February 9, 1913.

Charles E. Bartlett to be postmaster at Cameron, Wis., in place of Charles E. Bartlett. Incumbent's commission expired January 12, 1913.

Fred R. Bloodgood to be postmaster at Whitewater, Wis., in place of Frank B. Goodhue. Incumbent's commission expired January 11, 1913.

William W. Clarke to be postmaster at Milton, Wis., in place of William W. Clarke. Incumbent's commission expires March 1, 1913.

Frank W. Heath to be postmaster at Spencer, Wis. Office became presidential January 1, 1913.

William Kuelling to be postmaster at Shullsburg, Wis., in place of William Kuelling. Incumbent's commission expired December 14, 1912.

Irwin R. Nye to be postmaster at Wittenberg, Wis., in place of Irwin R. Nye. Incumbent's commission expired January 12, 1913.

Lewis P. Perry to be postmaster at Gillett, Wis., in place of Lewis P. Perry. Incumbent's commission expired February 13, 1912.

Frank J. Salter to be postmaster at Prentice, Wis., in place of Frank J. Salter. Incumbent's commission expires February 9, 1913.

Frank J. Wiley to be postmaster at Hancock, Wis., in place of Frank J. Wiley. Incumbent's commission expires February 18, 1913.

WITHDRAWALS.

Executive nominations withdrawn from the Senate February 4, 1913.

POSTMASTERS.

ALABAMA.

Dallas B. Smith to be postmaster at Opelika, in the State of Alabama.

CONNECTICUT.

Edward E. Ashley to be postmaster at Plainfield, in the State of Connecticut.

GEORGIA.

Hugh D. North to be postmaster at Midville, in the State of Georgia.

IOWA.

John H. Schlosser to be postmaster at Dallas Center, in the State of Iowa.

MISSOURI.

Campbell F. Reid to be postmaster at Warrenton, in the State of Missouri.

NEW YORK.

Melbourne Hutton to be postmaster at Nanuet, in the State of New York.

Daniel Smiley to be postmaster at Mohonk Lake, in the State of New York.

PENNSYLVANIA.

Daniel Smiley to be postmaster at Mohonk Lake, in the State of Pennsylvania.

WISCONSIN.

August G. Koch to be postmaster at Kewaskum, in the State of Wisconsin.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 4, 1913.

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the God and Father of all men, who hearest and answerest prayer, take away from us unrighteous thoughts, ignoble desires, selfish ambitions, that we may dwell with our fellow men in the spirit of brotherhood, striving in our daily life to do unto them as we would have them do unto us. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

J. P. CORNES—LEAVE TO WITHDRAW PAPERS.

Mr. DANFORTH, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of J. P. Cornes (H. R. 21553, Sixtieth Congress), no adverse report having been made thereon.